

§ 1410.4

7 CFR Ch. XIV (1–1–16 Edition)

§ 1410.4 Maximum county acreage.

(a) Except as provided in paragraph (b) of this section and certain shelterbelts, windbreaks, and wet and saturated soils enrolled under ACEP, the maximum cropland acreage that may be placed in the CRP and the wetland reserve easements of WRP and ACEP, as appropriate, may not exceed 25 percent of the total cropland in the county. No more than 10 percent of the cropland in a county may be subject, in the aggregate, to a CRP or wetland reserve easement.

(b) The restrictions in paragraph (a) of this section may be waived by the Deputy Administrator as follows:

(1) If the Deputy Administrator determines that such action would not adversely affect the local economy of the county and that operators in the county are having difficulties complying with conservation plans implemented under part 12 of this title; or

(2) Cropland in a county enrolled under provisions as specified in § 1410.30 or § 1410.50 may be excluded from the restrictions in paragraph (a) of this section, as determined by the Deputy Administrator, provided that the county government concurs.

(c) These restrictions on participation are in addition to any other restriction imposed by law.

[80 FR 42000, July 16, 2015]

§ 1410.5 Eligible persons.

(a) In order to be eligible to enter into a CRP contract in accordance with this part, a person must be an owner, operator, or tenant of eligible land and:

(1) If an operator of eligible land, seeking to participate without the owner, must have operated such land for at least 12 months prior to the close of the applicable signup period and must provide satisfactory evidence that such operator will be in control of such eligible land for the full term of the CRP contract period;

(2) If an owner of eligible land, must have owned such land for at least 12 months prior to the close of the applicable signup period, unless:

(i) The new owner acquired such land by will or succession as a result of the death of the previous owner;

(ii) The only ownership change in the 12-month period occurred due to foreclosure on the land and the owner of the land, immediately before the foreclosure, exercises a timely right of redemption from the mortgage holder in accordance with State law; or

(iii) As determined by the Deputy Administrator, the circumstances of the acquisition present adequate assurance that the new owner of such eligible land did not acquire such land for the purpose of placing it in the CRP; or

(3) If a tenant, the tenant is a participant with an eligible owner or operator.

(b) The provisions of this section do not apply to beginning, socially disadvantaged, or veteran farmers or ranchers who are eligible participants in the Transition Incentives Program as specified in § 1410.64.

[68 FR 24835, May 8, 2003, as amended at 75 FR 27169, May 14, 2010; 80 FR 42000, July 16, 2015]

§ 1410.6 Eligible land.

(a) In order to be eligible to be placed in the CRP, land must be one of the following:

(1) Cropland that is subject to a conservation plan and has been annually planted or considered planted, as defined in § 1410.2, to an agricultural commodity in 4 of the 6 crop years from 2008 through 2013, as determined by the Deputy Administrator, including field margins that are incidental to the planting of crops if:

(i) Including such field margins is determined appropriate by the Deputy Administrator; and

(ii) The field margins are physically and legally capable of being planted in a normal manner to an agricultural commodity, as determined by the Deputy Administrator; or

(2) Marginal pasture land, as determined by the Deputy Administrator, that:

(i) Is determined to be suitable for use as a riparian buffer or is made eligible under a Conservation Reserve Enhancement Program (CREP) agreement for similar water quality purposes as determined by the Deputy Administrator. A field or portion of a field of marginal pasture land may be considered to be suitable for use as a riparian